

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTOLIN ANDREW MARKS,) No. MC08-5045
v. Plaintiff,) ORDER
A. NEIL CLARK,)
Defendant.)

This matter comes before the Court *sua sponte*. On March 24, 2008, the Honorable Franklin D. Burgess, United States District Court Judge, entered an order barring plaintiff from litigating in this district unless he provides a “signed affidavit, along with the proposed complaint, verifying under penalty of perjury that none of the issues raised in the proposed complaint have been litigated in the past by the [p]laintiff.” Plaintiff was also barred from proceeding *in forma pauperis* with a civil rights, Bivens, or Federal Tort Claim Act action unless he shows that he is in imminent danger of serious bodily injury or death. On July 4, 2010, the Clerk of Court received a complaint for damages and an application to proceed *in forma pauperis* from Mr. Marks. Dkt. # 42. No filing fee or affidavit was included in the submission. The proposed complaint is now before the undersigned for review pursuant to the terms of the bar order.

Plaintiff's July 4, 2010, submission does not satisfy the March 24, 2008, bar order.

ORDER

1 Plaintiff has not verified, under penalty of perjury, that the claims asserted have not already been
2 litigated. Such a verification may not be possible given that Mr. Marks apparently filed a similar
3 action in state court.

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5 The action submitted on July 4, 2010, shall not be permitted to proceed. The Clerk
6 of Court shall docket this order in MC08-5045. Neither the Clerk of Court nor defendants need
7 take any further action with regards to this matter.

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9 Dated this 14th day of October, 2010.

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12 Robert S. Lasnik
13 Chief Judge, United States District Court